

Remarks

Claims 1-3, 5-8, 12-19 and 21-29 are pending. Claims 1, 7, 17, 19, 23 and 24 are currently amended. Claims 9-11 are cancelled by way of this amendment. The remaining claims are unchanged.

Claims 7 and 19 have been amended to provide better antecedent support in these claims and in claim 12. The first instance of the expression "said overhead byte" has been replaced with the expression "an overhead byte of said overhead bytes".

The Examiner rejects claims 1-3, 5-19 and 21-29 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner states that the feature of "finding a minimum possible overhead spacing" lacks enablement because the Specification does not describe how the minimum overhead spacing is found.

Independent claims 1, 7, 17, 23 and 24 have been amended to replace the expression "finding a minimum possible overhead spacing between any two consecutive unaligned floating overhead bytes" with the expression "finding a minimum period of two consecutive unaligned floating path overhead bytes".

In the previous expression relating to minimum spacing between overhead bytes, the number of bytes is a function of the frequency and the period ($\text{spacing} = \text{bytes/second} * \text{period}$). Therefore, one of ordinary skill in the art can easily use frequency to convert between minimum spacing and minimum period, or to convert between bytes and the time between them. In fact, paragraph [0018] uses the expressions "minimum spacing" and "minimum period" interchangeably, since the minimum period is based on the number of clock cycles between two overhead bytes.

Support for the new expression and its relationship to the previous expression can be found at least at paragraph [0018], including Equation 2. Additional support is also found in paragraphs [0067]-[0069], including Equation 3 and Table 1. These paragraphs, equations and tables taken together enable one skilled in the art to find the minimum period of two

consecutive unaligned floating path overhead bytes, for example the minimum period of two POH bytes of the same path.

It is therefore respectfully submitted that the currently amended claims comply with the enablement requirement in 35 U.S.C. 112, first paragraph, and withdrawal of that rejection is requested.

The Examiner, in item 4 of the Action, states in relation to claims 10 and 11 that the Specification does not adequately describe how the method is also applied to transport and section overhead bytes. Since claims 10 and 11 are now cancelled, this rejection is moot.

The Examiner further states in item 5 of the Action that the feature of determining a minimum interface rate is not adequately described in the Specification. The Examiner states that, according to the Specification, the minimum interface rate is determined by finding the minimum overhead spacing.

In the currently amended claims, the minimum interface rate is determined by dividing the variable data rate of the stream of data by the minimum period, not by the minimum overhead spacing.

It is respectfully submitted that paragraph [0053] of the Specification provides an adequate description of the feature of determining a minimum interface rate, as presently claimed. For example, paragraph [0053] states, "*The minimum interface rate is calculated by dividing SONET/SDH data rate with the minimum period of two consecutive POH bytes for a given path.*" Equation 2 in paragraph [0018], for example, describes how to calculate the minimum period of two POH bytes of the same path. Therefore, there is adequate support for the feature of determining a minimum interface rate.

The Examiner also states in item 6 of the Action that the feature of "spacing between any two consecutive...overhead bytes..." is not adequately described in the Specification because the feature suggests that any overhead bytes are being considered.

The amended claims are now free of the expression to which the examiner raised an objection. The amended claims now refer to "a minimum period of two consecutive unaligned floating path overhead bytes" which is clearly and sufficiently described in the Specification, such as outlined above.

The Examiner further rejects Claims 1-3, 5-19 and 21-19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that it is unclear what is meant by "finding a minimum possible overhead spacing" and "any two consecutive...overhead bytes..."

It is respectfully submitted that the replacement expression "finding a minimum period of two consecutive...path overhead bytes" addresses both of the Examiner's rejections under 35 U.S.C. 112, second paragraph.

Firstly, the amended claims are now free of the expression "finding a minimum possible overhead spacing", which clearly addresses the Examiner's first point.

Secondly, the new expression particularly points out and distinctly claims the feature of finding a minimum period of two consecutive unaligned floating path overhead bytes. As indicated earlier, this feature is well supported and enabled in the Specification, and is clearly described. For example, equations are provided that clearly describe how the minimum period can be calculated.

Therefore, it is respectfully submitted that the amended claims comply with 35 U.S.C. 112, second paragraph, and withdrawal of that rejection is requested.

It is respectfully submitted that the present application is now in condition for allowance and the Applicant looks forward to receiving an indication of patentability.

The Commissioner is hereby authorized to debit \$130.00 from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP, representing the fees for a one month extension of time.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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